

Introduced by Senator Machado

February 22, 2005

An act to amend Section 40600 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 999, as introduced, Machado. San Joaquin Unified Air Pollution Control District: district board membership.

(1) Existing law establishes the San Joaquin Valley Unified Air Pollution Control District formed by the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, as a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis. Existing law requires the district to be governed by a district board composed of a total of 11 voting members. Of those members, existing law requires 8 members to be appointed by each of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

This bill would increase the membership of the district board to 15 members. The bill would require 7 members to be appointed by each of the Counties of Fresno, Kern, Merced, San Joaquin, Stanislaus, and Tulare, and would require one member to be appointed by mutual consent between the Counties of Kings and Madera. The bill would require 5 city members to be appointed to the district board, and would require the City Council of Fresno to appoint 2 of those members, and the City Councils of Bakersfield, Modesto, and Stockton to each appoint one of those members. The bill would

require 3 public members to be appointed to the district board, and would establish a process for nominating and selecting those public members. The bill would require the district board to select the 3 public members in compliance with that process by April 30, 2006, and would provide an alternate means of selection of those public members if the district board does not select those members by that date. Because of the additional duties this bill would require of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40600 of the Health and Safety Code is
2 amended to read:
3 40600. (a) The San Joaquin Valley Unified Air Pollution
4 Control District formed by the Counties of Fresno, Kern, Kings,
5 Madera, Merced, San Joaquin, Stanislaus, and Tulare pursuant to
6 Chapter 3 (commencing with Section 40150) ~~of Part 3 of~~
7 ~~Division 26 of the Health and Safety Code~~, and consisting of the
8 Counties of Fresno, Kings, Madera, Merced, San Joaquin,
9 Stanislaus, and Tulare, and that portion of the County of Kern
10 that is within the San Joaquin Valley Air Basin, is a single
11 integrated agency with all staff under one centralized
12 management structure that is able to implement programs on a
13 basinwide basis, and has all of the following:
14 (1) An individual air pollution control officer who is
15 responsible for the issuance of all permits by the unified district.
16 (2) A single budget for the unified district with resources
17 allocated based on the program needs of the San Joaquin Valley
18 Air Basin.
19 (3) A uniform fee structure.
20 (4) Three hearing boards established pursuant to Section
21 ~~40800 of the Health and Safety Code~~. One hearing board shall

1 serve the northern region, one shall serve the central region, and
2 one shall serve the southern region, as defined by the unified
3 district board. Identical policies governing the operation of each
4 hearing board shall be established by the unified district board
5 and shall be binding upon each hearing board.

6 (5) A citizen's advisory committee.

7 (b) Rules and regulations adopted by the San Joaquin Valley
8 Unified Air Pollution Control District are binding on all counties
9 within the unified district. The unified district shall enforce all
10 permits issued by the unified district and all permits issued by the
11 individual county districts prior to formation of the unified
12 district. The unified district shall review, revise, adopt, and
13 implement any air pollution control plans required within the San
14 Joaquin Valley Air Basin by state and federal law.

15 (c) Notwithstanding any other provision of law, the San
16 Joaquin Valley Unified Air Pollution Control District shall be
17 governed by a district board composed of ~~11~~ 15 voting members,
18 appointed as follows:

19 (1) ~~Eight~~ Seven members, one of whom shall be appointed by
20 each of the Counties of Fresno, Kern, ~~Kings, Madera,~~ Merced,
21 San Joaquin, Stanislaus, and Tulare. The board of supervisors of
22 each of those counties shall, by majority vote, appoint one of its
23 members to serve as a member of the district governing board.
24 *One member shall be appointed by mutual consent between the*
25 *Counties of Kings and Madera.*

26 ~~(2) Three city members appointed by the cities within the~~
27 ~~territory of the unified district. There shall not be more than one~~
28 ~~city member selected from one county. One city member shall be~~
29 ~~selected from the northern region, one from the central region,~~
30 ~~and one from the southern region of the district. Of the three city~~
31 ~~members, one shall be from a city having a population of less~~
32 ~~than 20,000, one shall be from a city having a population of not~~
33 ~~less than 20,000 and not more than 50,000, and one shall be from~~
34 ~~a city having a population of more than 50,000.~~

35 (2) *Five city members appointed as follows:*

36 (A) *Two appointed by the City Council of Fresno.*

37 (B) *One appointed by the City Council of Bakersfield.*

38 (C) *One appointed by the City Council of Modesto.*

39 (D) *One appointed by the City Council of Stockton.*

40 (3) *Three public members appointed as follows:*

1 (A) The air pollution control officer of the district shall
2 establish a calendar and procedures for appointing public
3 members to the district board not later than February 1, 2006.

4 (B) Candidates for public members shall be residents of the
5 district, have a demonstrated interest and knowledge of the
6 impact of air pollution on the San Joaquin Air Basin, and have a
7 demonstrated understanding of the needs of the general public in
8 connection with air pollution problems in the San Joaquin Air
9 Basin. Candidates shall be able to attend substantially all
10 meetings of the district board, to discharge all duties and
11 responsibilities of a district board member on a regular basis,
12 and to actively participate in the affairs of the district. A
13 candidate shall not be an employer or owner of a business or
14 industry regulated by the district.

15 (C) Any of the following persons, groups, or entities may
16 nominate up to three people each for consideration as a public
17 member on the district board. Nominations shall include
18 information regarding the qualifications of the nominee, and
19 shall be sent to and compiled by the air pollution control officer
20 of the district.

21 (i) Public health officers of local agencies in the district.

22 (ii) The American Lung Association, or its affiliate or
23 subsidiary in the district.

24 (iii) The California Medical Association.

25 (iv) Any medical society in the district that is a bona fide
26 professional society of individuals in the medical or nursing
27 profession.

28 (v) Any health center located in the district that serves the
29 Latino population in the district.

30 (vi) The Union of Concerned Scientists, or any of its affiliate
31 or subsidiary organizations based in the district.

32 (vii) Any bona fide environmental health or respiratory health
33 nonprofit organization with a demonstrated interest in public
34 health issues in the district that is in existence on January 1,
35 2006.

36 (viii) The Latino Issues Forum.

37 (ix) The Fresno Native American Health Center.

38 (x) The Governor.

39 (xi) The Senate Committee on Rules.

40 (xii) The Speaker of the Assembly.

1 (D) The final list of candidates and qualifications shall be
2 available for public review. The list shall include each
3 candidate's name, mailing address, profession, and career
4 experience.

5 (E) The district board shall appoint a public member selection
6 subcommittee comprised of members of the district board to
7 review and rank candidates. The subcommittee shall report to the
8 district board during a public meeting in open session regarding
9 their review and ranking of the candidates, including, but not
10 limited to, the specific criteria used for that ranking.

11 (F) The district board shall select three public members from
12 the list of candidates by April 30, 2006. Of those three public
13 members, the district board shall select at least one public
14 member that is a physician with expertise in the effects of air
15 pollution on respiratory health. The district board shall not
16 select more than one public member from the list of people
17 nominated by any single person, group, or entity pursuant to
18 subparagraph (C). The district board shall set terms of office for
19 each of the members, to be not less than two years and not more
20 than four years. If the district board fails to select public
21 members and set terms of office as described in this
22 subparagraph, the district board shall not appoint public
23 members, and public members shall be appointed as described in
24 paragraph (4).

25 (4) (A) If the district board fails to appoint public members by
26 April 30, 2006, in compliance with paragraph (3), those public
27 members shall be appointed as follows:

28 (i) One member appointed by the Governor, with the advice
29 and consent of the Senate. This member shall be a physician with
30 expertise in the effects of air pollution on respiratory health. This
31 member shall serve an initial two-year term.

32 (ii) One member appointed by the Senate Committee on Rules.
33 This member shall serve an initial four-year term.

34 (iii) One member appointed by the Speaker of the Assembly.
35 This member shall serve an initial two-year term.

36 (B) After the initial term specified for each member in
37 subparagraph (A), the term of office for each subsequent term for
38 those members shall be four years.

39 (C) The members appointed pursuant to this paragraph shall
40 be residents of the district and shall meet the requirements for

1 *candidates for public members in subparagraph (B) of*
2 *paragraph (3).*

3 *(5) A member appointed pursuant to this section shall not*
4 *designate an alternate for any purpose or otherwise be*
5 *represented by another person in his or her capacity as a*
6 *member of the district board.*

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 a local agency or school district has the authority to levy service
10 charges, fees, or assessments sufficient to pay for the program or
11 level of service mandated by this act, within the meaning of
12 Section 17556 of the Government Code.